**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL WRIT PETITION NO.1423 OF 2005**

Kailash Balkrishna Patil ...Petitioner
vs.
State of Maharashtra ...Respondent

Mr.Indrajeet Joshi h/f Ms Rachita Dhuru (Adv.appointed)
Ms M.M.Deshmukh, A.P.P. for State

**CORAM: A.S.OKA,J.**
**DATE : SEPTEMBER 8,2005**

**P.C.:**

1. Heard Advocate for the Petitioner and the learned A.P.P. for State. There is non-compliance of order dated 24th August 2005 passed by this Court. However, the learned A.P.P. has placed on record a report dated 30th June 2005 submitted by the District Magistrate, Thane regarding no objection for grant of furlough leave. In view of the said report the application for furlough leave will have to be decided forthwith.

2. It is pertinent to note that the first letter was sent by the Superintendent of Kolhapur Central Prison to the office of Superintendent of Police, Thane (rural) on 31st January 2004 which was followed by the three reminders. The report is dated 30th June 2005. Thus, the entire process of calling for the report and submission thereof has taken more than one year which shows that the concerned Authority is totally ignorant of valuable right of the prisoner to avail of furlough leave.

4. This Petition is disposed of by passing the following order :

i) If the application for furlough leave made by the Petitioner is not decided till today, the same shall be decided within a period of 10 days from today.

ii) A copy of this order be forwarded to the Superintendent of Police, Thane (rural). The Superintendent of Police, Thane (rural) is expected to take action against the concerned Officer who is responsible for delay and who is responsible for depriving of furlough leave to the Petitioner for such a long time.

**JUDGE**